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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MOONBUG ENTERTAINMENT
LIMITED, et al.,

Plaintiffs,

v.

BABYBUS (FUJIAN) NETWORK
TECHNOLOGY CO., LTD, et al.,

Defendants.

Case No. [21-cv-06536-EMC](#)

**ORDER RE COURT’S PROPOSED
VERDICT FORM**

The Court’s verdict form is below. The parties shall file any objections by 12:00 noon,
July 3, 2023.

IT IS SO ORDERED.

Dated: June 29, 2023



EDWARD M. CHEN
United States District Judge

1 The Court submits this case to you on special issues in the form of questions you will
2 answer as you find the facts to be, from the evidence admitted before you on this trial, under the
3 rulings of the court in conformity with these instructions.

4 On retiring to the jury room, you will select one of your number to act as foreperson. The
5 foreperson will preside over your deliberations and will be your spokesperson in court. A form of
6 special verdict has been prepared for your convenience.

7 You will note that each question calls for a “yes” or “no” answer. The answer to each
8 question must be the unanimous answer of the jury. Your foreperson will write the unanimous
9 answer of the jury in the space provided below the question.

10 Your answers to these special questions will constitute your verdict and your answers must
11 be made without regard to their legal effect or the judgment that may be based on them by the
12 court.

13 You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of
14 the weight to be given the testimony; but as to the law, you must be governed by the instructions,
15 definitions, and explanations given you in this charge.

16 When you have completed the answers to all questions, and the foreperson has dated and
17 signed the special verdict, you will return with it to the courtroom.

18
19 **1. Considering the protectability of the works, evidence of actual copying, evidence of**
20 **unlawful misappropriation (extrinsic test and intrinsic test for substantial similarity between**
21 **the works), as well as whether any defenses apply, did Babybus infringe the registered**
22 **copyrights to the following CoComelon works? If yes, was the infringement willful?**

		Yes	No	If yes, willful?
1	The JJ Character (U.S. Copyright No. VAu001379978 (JJ), issued November 12, 2019)			

		Yes	No	If yes, willful?
2	JJ's Family Characters (Copyright No. V Au001322038 (Unpublished Family Characters 2017), issued November 15, 2017)			
3	CoComelon Animal's Characters (U.S. Copyright No. V Au001319613 (Animal Characters 2017), issued November 15, 2017)			
4	The Boo Boo Song (U.S. Copyright No. PA0002181622 (The Boo Boo Song), issued April 9, 2019)	X		X
5	Yes Yes Vegetables Song (U.S. Copyright No. PA0002149483 (Yes Yes Vegetables Song), issued December 6, 2018)	X		X
6	Yes Yes Vegetables Song (U.S. Copyright No. PA0002159137 (Yes Yes Vegetables Song), issued January 21, 2019)	X		X
7	Car Wash Song (U.S. Copyright No. PA0002191424 (Car Wash Song), issued May 22, 2019)	X		X
8	Bath Song (U.S. Copyright No. PA0002146326 (Bath Song), issued November 16, 2018)	X		X
9	Yes Yes Playground Song (U.S. Copyright No. PA0002145951 Yes Yes Playground Song), issued November 13, 2018)	X		X
10	Yes Yes Bedtime Song (U.S. Copyright No. PA0002177791 (Yes Yes Bedtime Song), issued March 25, 2019)			
11	No No Play Safe Song (U.S. Copyrights No. PA0002177782 ("No No" Play Safe Song), issued March 25, 2019)			

		Yes	No	If yes, willful?
12	No No Bedtime Song (U.S. Copyright No. PA0002149484 (“No No” Bedtime Song), issued December 6, 2018)			
13	No No Playground Song (U.S. Copyright No. PA0002177781 (“No No” Playground Song), issued March 25, 2019)			
14	No No Table Manners Song (U.S. Copyright No. PA0002177787 (“No No” Table Manners Song), issued March 25, 2019)			
15	Doctor Checkup Song (U.S. Copyright No. PA0002181041 (Doctor Checkup Song), issued April 3, 2019)			
16	Animal Dance Song (U.S. Copyright No. PA0002168575 (Animal Dance Song), issued February 22, 2019)			
17	First Day of School Song (U.S. Copyright No. PA0002184736 (First Day of School), issued April 23, 2019)			
18	Five Little Monkeys (U.S. Copyright No. PA0002192144 (Five Little Monkeys), issued May 29, 2019)			
19	Getting Ready for School Song (U.S. Copyright No. PA0002169923 (Getting Ready for School Song), issued February 25, 2019)			
20	Hello Song (U.S. Copyright No. PA0002183993 (Hello Song), issued April 16, 2019)			
21	Jobs and Career Song (U.S. Copyright No. PA0002191932 (Jobs and Career Song), issued May 24, 2019)			

		Yes	No	If yes, willful?
22	Laughing Family with Baby (U.S. Copyright No. PA0002209528 (Laughing Baby with Family), issued March 13, 2019)			
23	Laughing Baby with Family (U.S. Copyright No. PA0002156496 (Laughing Baby with Family), issued March 13, 2019)			
24	Looby Loo (U.S. Copyright No. PA0002190861 (Looby Loo), issued May 17, 2019)			
25	One Potato, Two Potato (U.S. Copyright No. PA0002159136 (One Potato, Two Potatoes), issued January 21, 2019)			
26	Opposites Song (U.S. Copyright No. PA0002146866 (Opposites Song), issued November 19, 2018)			
27	Peek a Boo Song (U.S. Copyrights No. PA0002209504 (Peek A Boo Song), issued March 13, 2019)			
28	Peek a Boo Song (U.S. Copyright No. PA0002156528 (Peek A Boo Song), issued January 8, 2019)			
29	Rock-A-Bye Baby (U.S. Copyright No. PA0002190862 (Rock-a-bye Baby), issued May 17, 2019)			
30	Shape Song (U.S. Copyright No. PA0002190382 (Shape Song), issued May 15, 2019)			
31	Sick Song (U.S. Copyright No. PA0002161511 (Sick Song), issued January 23, 2019)			
32	Soccer Song (U.S. Copyright No. PA0002184313 (Soccer Song (Football Song)), issued April 19, 2019)			

		Yes	No	If yes, willful?
33	Swimming Song (U.S. Copyright No. PA0002161510 (Swimming Song), issued January 23, 2019)			
34	Teacher Song (U.S. Copyright No. PA0002184737 (Teacher Song), issued April 23, 2019)			
35	Thank You Song (U.S. Copyright No. PA0002190864 (Thank You Song), issued May 17, 2019)			
36	This is the Way (U.S. Copyright No. PA0002169623 (This Is the Way), issued February 25, 2019)			
37	Traffic Safety Song (U.S. Copyright No. PA0002190384 (Traffic Safety Song), issued May 15, 2019)			
38	Wheels on the Bus (U.S. Copyright No. PA0002181071 (Wheels on the Bus), issued April 3, 2019)			
39	Winter Song (Fun in the Snow) (U.S. Copyright No. PA0002181080 (Winter Song (Fun in the Snow)), issued April 3, 2019)			
40	Colors Song – Learn Colors (PA0002146325 (Colors Song – Learn Colors, displayed on YouTube as “Colors Song (with Popsicles)”), issued November 16, 2018)	X		X
41	The Happy Shapes Song, et al. (U.S. Copyright No. SRu001310748 (The Happy Shapes Song, et al., Best Original Songs), issued October 6, 2017)			
42	No No Play Safe Song, et al. (U.S. Copyright No. SRu001317776 (No No Play Safe Song, et al., Original Songs for Children 1), issued January 9, 2018)			

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2. Did Babybus knowingly misrepresent that material was removed or disabled from YouTube by mistake or misidentification?

Yes_____ No_____

3. What amount of damages do you find for:

Copyright Infringement:

Plaintiffs’ Damages \$_____

Defendants’ Profits \$_____

Statutory Damages \$_____

Misrepresentation (answer only if you answered “YES” to Question 2):

Plaintiffs’ Damages \$_____

Please have the foreperson date and sign this verdict.

Date

Foreperson of the Jury